

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FEMHEALTH USA, INC., d/b/a CARAFEM,

Plaintiff,

v.

**RICKEY NELSON WILLIAMS, JR.;
BEVELYN Z. WILLIAMS; EDMEE
CHAVANNES; OPERATION SAVE AMERICA;
JASON STORMS; CHESTER GALLAGHER;
MATTHEW BROCK; COLEMAN BOYD;
FRANK “BO” LINAM; BRENT BUCKLEY; and
AJ HURLEY,**

CAUSE NO. 3:22-cv-00565
JUDGE CAMPBELL

Defendants.

**OSA DEFENDANTS’ MOTION FOR LEAVE TO FILE BRIEF ADDRESSING STAY IN
LIGHT OF CRIMINAL FACE CASE OUT OF TIME**

Defendants Operation Save America, Jason Storms, Matt Brock, Coleman Boyd, Brent Buckley, and Frank “Bo” Linam (“OSA Defendants”), pursuant to Fed. R. Civ. P. 6(b), submit this motion for leave to file the attached brief ordered by the Court (ECF 82) addressing the impact of the pending criminal FACE case on the pending motion to stay the case out of time.

As grounds, the OSA Defendants state:

1. The motion to stay initially filed by these Defendants was fully briefed by October 11, 2022. ECF 78.
2. This Court ordered additional briefing on the impact of the indictment of the eleven defendants in the case of USA v. Gallagher, et al. by order dated October 18, 2022. ECF 82.

3. The order required that these Defendants submit their brief no later than October 25, 2022.

Id.

4. Counsel for these Defendants, who was traveling at the time the order was issued, misread the order and understood that it was the Plaintiff, not these Defendants, that was to file the initial brief (in large part because these Defendants had submitted their reply brief only days earlier).

5. This morning, October 26, 2022, counsel for these Defendants searched his inbox for a copy of the Plaintiff's brief. Finding none, he reread the Court's order and discovered for the first time that he had misunderstood the order.

6. Counsel promptly emailed opposing counsel to seek consent for leave to file the brief one day late, out of time. Plaintiff's counsel did not consent, asking instead that they be allowed an opportunity to review this motion before responding.

7. Counsel then hastily prepared the attached proposed brief in an effort to assist the Court by addressing the issue presented and analyzing the facts of the case in light of the analytical framework this Court has employed previously.

8. Counsel has offered to consent to an extension of Plaintiff's deadline to correspond to the extra day these Defendants' have taken to submit their brief.

9. This motion is not interposed for purposes of delay. Counsel submits that the delay in submitting this brief is entirely his fault, and asks the Court's indulgence in excusing his oversight.

10. Plaintiff would not suffer prejudice by granting leave to file the brief out of time, and counsel respectfully submits that the brief may be beneficial to the Court and further the cause of justice.

11. Counsel further suggests that his clients should not be prejudiced by his oversight, and that under the circumstances his oversight constitutes excusable neglect under Rule 6(b)(1)(B).

Certification of Conferral Pursuant to LR 7.01(a)

Counsel for the OSA Defendants hereby certifies that he has conferred with counsel for the Plaintiff in a good faith effort to obtain consent to the motion, but was unable to secure said consent.

WHEREFORE, the OSA Defendants move the Court for leave to file the attached proposed brief out of time.

Respectfully submitted this 26th day of October, 2022.

/s/Stephen M. Crampton
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*Counsel for Defendants Operation Save America,
Jason Storms, Matthew Brock, Coleman Boyd, Frank
"Bo" Linam, and Brent Buckley*

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2022, the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system, and that a copy of the foregoing will be sent electronically to all counsel of record by operation of the Court's CM/ECF system.

In addition, a true and correct copy of the foregoing will be served as follows:

Via U.S. Mail

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11401 Washington Pl Apt J
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s/Stephen M. Crampton
Stephen M. Crampton